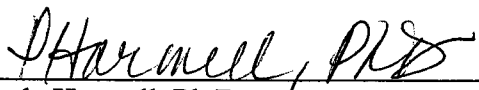


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3 **DECISION AND ORDER**
4 **OF THE**
5 **BOARD OF PSYCHOLOGY**

6
7 **DEPARTMENT OF CONSUMER AFFAIRS**

8
9 The attached Stipulated Settlement and Order in case numbers W-203 & X-49, is hereby
10 adopted as the Decision and Order of the Board of Psychology, Department of Consumer
11 Affairs. An effective date of February 16, 2003 has been assigned to this
12 Decision and Order.

13
14 Made this 17th day of January, 2003.

15
16
17 
18 Pamela Harmell, Ph.D.
19 President, Board of Psychology
20 Department of Consumer Affairs
21
22
23
24
25

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL P. SIPE, State Bar No. 47150
Deputy Attorney General
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6 Telephone: (619) 645-2067
Facsimile: (619) 645-2061
7

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matters of the Accusation and Statement
of Issues Against:

13 **BARBARA SCHAVE, PH.D. AKA**
BARBARA KLEIN

14 360 N. Bedford Drive, #219
15 Beverly Hills, CA 90210

16 Psychological Assistant No. PSB 12896

17 Respondent.
18

Case Nos. W-203 and X49
(Cases Consolidated)

OAH Nos. L-2001050044 and
L-2002080167

**STIPULATED SETTLEMENT AND
ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board
23 of Psychology, State of California. He brought these actions solely in his official capacity and is
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
25 Michael P. Sipe, Deputy Attorney General.

26 ///

27 ///

28 ///

2. Respondent Barbara Schave aka Barabara Klein, (Respondent) is represented in this proceeding by Callahan McCune and Willis, by O. Brandt Caudill, Jr., Esq. whose address is 111 Fashion Lane, Tustin, CA 92780.

3. On or about November 17, 1986, the Board of Psychology issued Psychological Assistant Registration No. PSB 12896 to Respondent Barbara Schave aka Barbara Klein. The Registration was in full force and effect at all times relevant herein and expires on January 31, 2003 unless renewed.

4. On or about October 11, 1993, Barbara Schave (Klein) ("respondent") submitted an application to the Board for licensure as a psychologist. On or about January 25, 2002, the Board denied respondent's application for licensure. On or about February 21, 2002, the Board received respondent's request for a hearing.

JURISDICTION

5. Accusation No. W-203 was filed before the Board, and is currently pending against Respondent. The Accusation, together with all other statutorily required documents were properly served on Respondent on March 14, 2001, and Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. W-203 is attached as exhibit A and incorporated herein by reference.

6. Statement of Issues No. X49 was filed before the Board and is currently pending against Respondent. The Statement of Issues, together with all other statutorily required documents were properly served on Respondent on May 23, 2002, and Respondent timely filed her Notice of Defense contesting the Statement of Issues. A copy of the Statement of the Issues X-49 is attached as exhibit B and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. W-203 and Statement of Issues X-49. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Order.

8. Respondent is fully aware of her legal rights in this matter, including the

right to a hearing on the charges and allegations in the Accusation and in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. In order to avoid the expense and uncertainty of a hearing, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth in Paragraph 8 above.

STIPULATION

10. Respondent understands and agrees that the charges and allegations in Accusation No. W-203, if proven at a hearing, would constitute cause for imposing discipline upon her Psychological Assistant Registration. Respondent further understands and agrees that the charges and allegations in Statement of Issues No. X49 support the denial of Respondent's application for licensure as a psychologist.

11. For the purpose of resolving the Accusation No. W-203 and Statement of Issues X-49, without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant might establish a factual basis for the charges in the Accusation and Statement of Issues. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges and agrees to surrender her Psychological Assistant Registration for the Board's formal acceptance and to accept the Board's denial of her application for licensure as a psychologist. Respondent hereby withdraws her request for a hearing on the Board's denial of her application for licensure as a psychologist.

12. Respondent understands that by signing this stipulation she is enabling the division to issue its order accepting the surrender of her license without further process. She understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this stipulation, without notice to or participation by respondent or her counsel. In the event that this stipulation is rejected for any reason by the Board, it will be of no

1 force or effect for either party. The Board will not be disqualified from further action in this
2 matter by virtue of its consideration of this stipulation.

3 13. Upon acceptance of the stipulation by the Board, respondent understands
4 that she will no longer be permitted to practice as a Psychological Assistant in California, and
5 also agrees to surrender and cause to be delivered to the Board her Psychological Assistant
6 Registration on or before the effective date of the decision.

7 14. In consideration for the foregoing Stipulation and recitals, the Board, upon
8 formal acceptance of Respondent's surrender herein, agrees to not take any further action related
9 to Accusation No. W-203 and Statement of Issues X-49, now pending, except as set out in
10 Paragraph 13. The Board agrees to waive its right to request or assess costs of investigation and
11 enforcement of this case.

12 15. Respondent fully understands and agrees that should she ever apply for
13 licensure as a Psychologist or should she ever petition for reinstatement of her Psychological
14 Assistant Registration, the charges and allegations contained in Accusation No. W-203 and
15 Statement of Issues X-49 shall be deemed to be true, correct and admitted by respondent solely
16 for said license application or petition for registration. Respondent also fully understands that
17 any said application for licensure or petition for registration shall be subject to the provisions of
18 section 2962 of the Business and Professions Code.

19 16. The parties agree that facsimile copies of this Stipulation, including
20 facsimile signatures of the parties, may be used in lieu of original documents and signatures. The
21 facsimile copies will have the same force and effect as originals.

22 17. This Stipulation for surrender of registration, Decision and Order is
23 intended by the parties herein to be an integrated writing representing the complete, final and
24 exclusive embodiment of the agreements of the parties.

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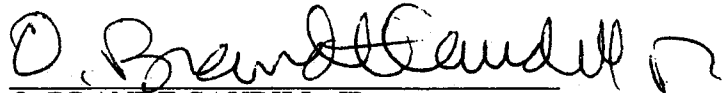
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DATED: 10/11/2002

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1 I have read and fully discussed with Respondent Barbara Schave aka Barbara
2 Klein the terms and conditions and other matters contained in the above Stipulated Settlement
3 and Order. I approve its form and content.

4 DATED: 11/12/02

5
6 
7 O. BRANDT CAUDILL, JR.
8 Attorney for Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Order is hereby respectfully submitted
11 for consideration by the Board of Psychology, Department of Consumer Affairs, State of
12 California.

13
14 DATED: 11/18/02

15 BILL LOCKYER, Attorney General
16 of the State of California

17 
18 MICHAEL P. SPE
19 Deputy Attorney General

20 Attorneys for Complainant
21
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Exhibit A

Accusation No. W-203

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO March 9 2001
BY M. Goodman ANALYST

BILL LOCKYER, Attorney General
of the State of California
MICHAEL P. SIPE, State Bar No. 47150
Deputy Attorney General
California Department of Justice
110 West "A" Street, Suite 1100
San Diego, California 92101

P.O. Box 85266
San Diego, California 92186-5266
Telephone: (619) 645-2067
Facsimile: (619) 645-2061

Attorneys for Complainant

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. W203

BARBARA SCHAVE, PH.D. AKA BARBARA
KLEIN

ACCUSATION

360 N. Bedford Drive, #219
Beverly Hills, CA 90210

Psychological Assistant No. PSB 12896

Respondent.

Complainant Thomas S. O'Connor, who as cause for disciplinary action, alleges:

PARTIES

1. Complainant is the Executive Officer of the California State Board of
Psychology ("Board") and makes and files this Accusation solely in his official capacity.

License Status

2. On or about November 17, 1986, the Board of Psychology issued
Psychological Assistant Number PSB 12896 to Barbara Schave, Ph.D. aka Barbara Klein
("Respondent"). At all times relevant herein, said license was, and currently is, in full force and
effect. Unless renewed, the license will expire on or about January 31, 2002.

JURISDICTION

3. This Accusation is made in reference to the following statutes of the Business and Professions Code ("Code").

A. Section 2913 of the Code states:

"A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

"(a) The person is termed a "psychological assistant."

"(b) The person (1) has completed a master's degree in psychology or education with the field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (3) has completed a doctoral degree which qualifies for licensure under Section 2914, in an accredited or approved university, college, or professional school located in the United States or Canada.

"(c) The person is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

"(d) The licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has registered the psychological

1 assistant with the board. The registration shall be renewed annually in accordance with
2 regulations adopted by the board.

3 "No licensed psychologist may register, employ, or supervise more than
4 three psychological assistants at any given time unless specifically authorized to do so by
5 the board. No board certified psychiatrist may register, employ, or supervise more than
6 one psychological assistant at any given time. No contract clinic, psychological
7 corporation, or medical corporation may employ more than 10 assistants at any one time.
8 No contract clinic may register, employ, or provide supervision for more than one
9 psychological assistant for each designated full-time staff psychiatrist who is qualified
10 and supervises the psychological assistants. No psychological assistant may provide
11 psychological services to the public for a fee, monetary or otherwise, except as an
12 employee of a licensed psychologist, licensed physician, contract clinic, psychological
13 corporation, or medical corporation.

14 "(e) The psychological assistant shall comply with regulations that the
15 board may, from time to time, duly adopt relating to the fulfillment of requirements in
16 continuing education.

17 "(f) No person shall practice as a psychological assistant who is found by
18 the board to be in violation of Section 2960 and the rules and regulations duly adopted
19 thereunder."

20 B. Section 2960 of the Code states:

21 "The board may refuse to issue any registration or license, or may issue a
22 registration or license with terms and conditions, or may suspend or revoke the
23 registration or license of any registrant or licensee if the applicant, registrant, or licensee
24 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
25 be limited to:

26 "....

27 "(c) Fraudulently or neglectfully misrepresenting the type or status of
28 license or registration actually held.

"....

"(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

"(j) Being grossly negligent in the practice of his or her profession.

"(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

"....

"(n) The commission of any dishonest, corrupt or fraudulent act which is substantially related to the qualifications, functions or duties of a psychologist or psychological assistant.

"(p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training, and experience.

"(q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.

"(r) Repeated acts of negligence.

"...."

C. Section 2964.6 provides that an administrative decision that imposes terms of probation may include, among other things, a requirement that the licensee who is being placed on probation pay the costs associated with monitoring the probation.

D. Section 125.3 of the Code provides, in part, that the Board may request the administrative law judge to direct any licentiate found to have committed a violation or violations of the licensing act, to pay to the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

4. California Code of Regulations Title 16 provides in pertinent part as follows.

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1 A. Section 1387 provides in part that:

2 "....

3 "(b) A qualified primary supervisor means a psychologist who is engaged
4 in rendering professional services a minimum of one-half time in the same work setting at
5 the same time as the person supervised is obtaining supervised professional experience.
6 Effective July 1, 1995, a qualified primary supervisor must have not less than three (3)
7 years of professional post-licensure experience.

8 "....

9 "(d)(1) The qualified primary supervisor shall be responsible for ensuring
10 that any supervision she/he provides is in the same or similar field of psychology as
11 his/her own education and training and that she/he is able to render competently any
12 psychological services which the supervisee undertakes.

13 "(2) The qualified primary supervisor shall be responsible for ensuring that
14 the applicant has training and experience to render competently any psychological
15 services which the applicant/supervisee will undertake.

16 "....

17 "(l) The supervised professional experience shall include direct (individual
18 or group) supervision by a qualified supervisor for a minimum of one (1) hour or ten
19 percent (10%) of the actual time worked each week in the work setting of the person
20 supervised, whichever is greater. At least one (1) hour each week shall be direct,
21 individual face-to-face supervision with the primary supervisor.

22 "....

23 "(q) Any experience obtained while under the supervision of a practitioner
24 with whom the applicant has an interpersonal or familial relationship shall not be counted
25 toward the required hours of supervised professional experience.

26 "(r) No credit shall be given towards professional experience obtained
27 under the supervision of a person who has received monetary payment or other
28 consideration directly from the applicant for the purpose of rendering such supervision.

1 "(s) A supervisor may not supervise a supervisee who is, or has been, a
2 psychotherapy client of the supervisor.

3 "(t) The supervisee shall maintain a written weekly log of all hours of
4 supervised professional experience gained toward licensure. The log shall contain at least
5 the following information:

6 "(1) The specific work setting in which the supervision took place.

7 "(2) The specific dates for which the log is being completed.

8 "(3) An indication of whether the supervision was direct, individual,
9 face-to-face (must be with the primary supervisor), group, or other (specifically listing
10 each activity).

11 "(4) The primary supervisor's legibly printed name, signature, license
12 number, and the date signed.

13 "(5) The delegated supervisor's legibly printed name, signature, license
14 number, and the date signed.

15 "(6) The supervisee's legibly printed name, signature, and date signed.

16 "(7) The tasks, professional services, or other work performed during that
17 time period."

18 B. Section 1391.4 provides that:

19 "As used in Section 2913 of the code, the phrase "limited psychological
20 functions" means those functions which are consistent with the education and training of
21 the psychological assistant and the education, training and experience of the supervisor."

22 C. Section 1391.5 provides that:

23 "(a) A psychological assistant shall be under the direction and supervision
24 of a licensed psychologist or board-certified psychiatrist who is rendering professional
25 services in the same work setting at the same time as the psychological assistant is
26 rendering professional services at least fifty percent (50%) of the time professional
27 services are being rendered by the psychological assistant. A licensed psychologist who is
28 supervising a psychological assistant on January 1, 1989, may renew the registration to

1 continue that supervision. On or after January 1, 1989, a licensed psychologist may not
2 apply to supervise any psychological assistant he or she has not previously supervised
3 unless the licensed psychologist has three (3) years post-licensure professional practice.

4 "(b) The supervisor shall provide a minimum of one (1) hour per week of
5 individual supervision to the psychological assistant, unless more such supervision is
6 required under Section 1391.7 or by the nature of the limited psychological functions
7 performed by the psychological assistant."

8 D. Section 1391.6 provides that:

9 "(a) Every supervisor of a psychological assistant shall be responsible for
10 the limited psychological functions performed by the psychological assistant and
11 ensuring that the extent, kind and quality of the limited psychological functions
12 performed by the assistant are consistent with his or her training and experience, and that
13 the assistant complies with the provisions of the code and the board's regulations.

14 "(b) The supervisor shall inform each client or patient in writing prior to
15 the rendering of services by the psychological assistant that the assistant is unlicensed and
16 is under the direction and supervision of the supervisor as an employee."

17 E. Section 1391.7 provides that:

18 "In order to qualify as "supervised professional experience" pursuant to
19 Section 2914(d) of the code, experience gained as a psychological assistant must comply
20 with Section 1387".

21 F. Section 1391.8 provides that:

22 "(a) No supervisor or employer of a psychological assistant may charge a
23 fee or otherwise require monetary payment in consideration for the employment or
24 supervision of a psychological assistant.

25 "(b) The psychological assistant shall have no proprietary interest in the
26 business of the supervisor or the employer.

27 "(c) The psychological assistant shall not rent, lease, sublease, or
28 lease-purchase office space from the supervisor or the employer."

1 G. Section 1391.10 provides that:

2 "On or before January 31, of each year, every supervisor of a
3 psychological assistant shall submit to the board on a form provided by the board a report
4 for the preceding calendar year showing:

5 "(a) The nature of the limited psychological functions performed by the
6 psychological assistant being supervised;

7 "(b) Evidence of employment which shall include at least one of the
8 following: the employment contract with the psychological assistant, a letter of
9 agreement, or other forms evidencing the employer-employee relationship which may
10 include evidence of workers' compensation payments, social security contributions, or
11 payroll records.

12 "(c) The locations at which the psychological assistant provided the
13 limited psychological functions and the type, extent and amount of supervision.

14 "(d) A certification that the limited psychological functions performed by
15 the psychological assistant are within the scope of the psychological assistant's education
16 and training."

17 H. Section 1396 provides that:

18 "A psychologist shall not function outside his or her particular field or
19 fields of competence as established by his or her education, training and experience."

20 I. Section 1396.2 provides that:

21 "A psychologist shall not misrepresent nor permit the misrepresentation of
22 his or her professional qualifications, affiliations, or purposes, or those of the institutions,
23 organizations, products and/or services with which he or she is associated."

24 J. Section 1396.3 provides that:

25 "A psychologist shall not reproduce or describe in public or in
26 publications subject to general public distribution any psychological tests or other
27 assessment devices, the value of which depends in whole or in part on the naivete of the
28 ///

1 subject, in ways that might invalidate the techniques; and shall limit access to such tests
2 or devices to persons with professional interests who will safeguard their use."

3 K. Section 1396.4 provides in part that:

4 "

5 "(b) A psychological assistant shall at all times and under all
6 circumstances identify himself or herself to patients or clients as a psychological assistant
7 to his or her employer or responsible supervisor when engaged in any psychological
8 activity in connection with that employment."

9 FIRST CAUSE FOR DISCIPLINE

10 (Gross Negligence)

11 5. Respondent, Barbara Schave, Ph.D., is subject to disciplinary action on
12 account of the following.

13 A. Respondent has practiced in California as a psychological assistant
14 since about November 17, 1986 under the supervision of psychiatrists or psychologists.

15 B. Douglas Jay Schave, M.D. has been in private practice as a
16 psychiatrist since 1975 to the present with his current office at 9102 West 24th Street, Los
17 Angeles, California since 1996. During that time, Douglas Jay Schave, M.D. has worked
18 out of three houses as his office locations.

19 C. Since the mid 1980's Douglas Jay Schave, M.D. acted as a
20 psychological assistant supervisor with Barbara Klein (Schave) as a psychological
21 assistant under his supervision from the mid 1980's to the present. They were married
22 during the start of his supervision but about 1994 they were divorced. During the
23 supervision, respondent, who had a Ph.D. in psychology, repeatedly failed the necessary
24 exams to qualify as a licensed psychologist. During the supervision all insurance billing
25 by respondent was required to be through Douglas Schave's office since she was to be
26 employed by the supervisor.

27 D. On or about November 1996, Douglas Jay Schave, M.D. began
28 treatment with patient Ar . . C. a minor who, along with his brother, A.C. was the subject

1 of custody issues among the divorcing parents. The treatment continued until early 1998
2 when a family court judge had Douglas Jay Schave, M.D. and respondent removed from
3 the case. The parents had initially agreed Douglas Jay Schave, M.D. and respondent
4 would not become involved in the custody dispute.

5 E. On or about February 1997, Dr. Douglas Schave recommended to
6 his parents that patient Ar. C. undergo psychological testing. He recommended the
7 testing be done by respondent working under the name of Barbara Klein. Shortly after
8 the testing was completed, the father of Ar. C. began to see respondent, Barbara Klein,
9 as a patient.

10 F. Both respondent and Dr. Douglas Schave prepared documents for
11 the court relating to the children's custody. Respondent, Barbara Klein, falsely referred
12 to herself as a licensed clinical psychologist in a declaration presented to family court and
13 in other documents. Dr. Douglas Schave and respondent referred to respondent, Barbara
14 Klein, as a psychologist and did not reveal to parties, the court, or others that she was in
15 fact being supervised by Dr. Douglas Schave as a psychological assistant. Dr. Douglas
16 Schave and respondent recommended, supported and provided a legal declaration that
17 physical custody of Ar. C. should be given to his father.

18 6. Respondent Barbara Schave, Ph.D. is subject to disciplinary action for
19 unprofessional conduct in that she engaged in gross negligence in her practice in violation of
20 Code sections 2960 (c) (i) (j) (k) (n) (p) and 2913 in that:

21 A. Paragraph 5 of the Accusation is herein realleged and incorporated
22 by reference as if set forth in full.

23 B. Respondent's practice under supervision and management of Dr.
24 Douglas Schave, M.D., was an extreme departure from standards of practice in that:

25 1) Respondent falsely portrayed herself as a licensed
26 psychologist and as practicing independently as a psychologist.

27 ///

28 ///

1 2) Respondent failed to practice under adequate supervision
2 by scheduling at least a weekly meeting with Dr. Douglas Schave to discuss or
3 review patient issues.

4 3) Respondent's supervisor was not on site at respondent's
5 separate office at least 50% of the time.

6 4) Respondent independently billed her clients under her own
7 name. Respondent did not follow the rules of supervision that require her to
8 function as his employee and to receive payment for her services from him.

9 5) Respondent avoided referring to herself, in both written and
10 verbal references, as a psychological assistant. During this time she repeatedly
11 referred to herself to the court, attorneys, parents and others as a psychologist, in
12 clinical psychology practice and even as a licensed psychologist.

13 6) Respondent misrepresented her qualifications in evaluation,
14 testing and treatment of patients and in her custody evaluation and report.

15 7) Respondent failed to provide written notification to her
16 patients of her status as a supervised psychological assistant.

17 8) Respondent falsely represented her working status as a
18 fully supervised employee to the Board in renewal applications including in 1996,
19 1999 and 2000.

20 9) Respondent received referrals and treated patients without
21 her supervisor's knowledge.

22 10) Respondent functioned outside her training and experience
23 in administering psychological testing of Ar. C. without supervision by a
24 psychologist.

25 11) Respondent functioned outside her training and experience
26 in preparing a custody evaluation for use in court.

27 12) Respondent failed to administer the psychological tests to
28 Ar. C. in a standardized manner and compromised test security.

1 13) Respondent failed to obtain a written consent from the
2 parties to perform a custody evaluation.

3 14) Respondent failed to obtain releases from patients and
4 parents to provide information regarding custody to the court and to others and
5 violated the patient's confidentiality.

6 15) Respondent provided an opinion regarding the
7 psychological functioning of the parents of Ar. C. without a proper personal
8 evaluation.

9 16) Respondent's conclusions regarding custody of Ar. C.
10 were subjective and based on bias and subjective factors rather than on objective
11 data.

12 17) Respondent charged exorbitant and excessive fees for the
13 psychological testing of Ar. C. and for related evaluations and therapy.

14 18) Respondent failed to make billing arrangements with
15 patients in advance of providing services.

16 19) Respondent undertook the assessment of Ar. C. when she
17 had a prior personal relationship with the father and engaged in dual and multiple
18 relationships with the patient and parents.

19 20) Respondent failed to maintain adequate records in
20 evaluation and treatment of patients including Ar. C. and his father.

21 21) Respondent supported and provided to the parents, the
22 family court, and others opinions regarding the change of physical custody of
23 Ar. C. while relying upon psychological testing that was clearly substandard and
24 unreliable.

25 22) Respondent allowed herself to be led by attorneys in the
26 family court custody case into making declarations for which she did not have
27 convincing independent and objective documentation.

28 ///

23) Respondent failed to obtain a more independent and objective evaluation to support recommendations for change of custody for Ar. C. Instead respondent became involved in legal declarations and depositions regarding custody.

24) Respondent continued to be supervised by Dr. Douglas Schave after they were married.

25) Respondent engaged in inappropriate practice under supervision of Dr. Douglas Schave for 13 or more years without obtaining her independent license to practice psychology. The psychological assistantship is intended to permit post-doctorate, supervised clinical experience leading to timely licensure. Instead respondent continued to practice indefinitely as if independently licensed.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

7. Respondent, Barbara Schave, Ph.D., is further subject to disciplinary action for unprofessional conduct in that she engaged in repeated negligent acts in her practice in violation of Code sections 2960 (c) (i) (k) (n) (p) (r) and 2913 in that:

A. Paragraph 5 of the Accusation is herein realleged and incorporated by reference as if set forth fully.

B. Respondent's practice under supervision and management of Douglas Jay Schave, M.D., was negligent in that:

1) Respondent falsely portrayed herself as a licensed psychologist and as practicing independently as a psychologist.

2) Respondent failed to practice under adequate supervision by scheduling at least a weekly meeting with Dr. Douglas Schave to discuss or review patient issues.

3) Respondent's supervisor was not on site at respondent's separate office at least 50% of the time.

4) Respondent independently billed her clients under her own name. Respondent did not follow the rules of supervision that require her to function as his employee and to receive payment for her services from him.

5) Respondent avoided referring to herself, in both written and verbal references, as a psychological assistant. During this time she repeatedly referred to herself to the court, attorneys, parents and others as a psychologist, in clinical psychology practice and even as a licensed psychologist.

6) Respondent misrepresented her qualifications in evaluation, testing and treatment of patients and in her custody evaluation and report.

7) Respondent failed to provide written notification to her patients of her status as a supervised psychological assistant.

8) Respondent falsely represented her working status as a fully supervised employee to the Board in renewal applications including in 1996, 1999 and 2000.

9) Respondent received referrals and treated patients without her supervisor's knowledge.

10) Respondent functioned outside her training and experience in administering psychological testing of Ar. C. without supervision by a psychologist.

11) Respondent functioned outside her training and experience in preparing a custody evaluation for use in court.

12) Respondent failed to administer the psychological tests to Ar. C. in a standardized manner and compromised test security.

13) Respondent failed to obtain a written consent from the parties to perform a custody evaluation.

14) Respondent failed to obtain releases from patients and parents to provide information regarding custody to the court and to others and violated the patient's confidentiality.

1 15) Respondent provided an opinion regarding the
2 psychological functioning of the parents of Ar. C. without a proper personal
3 evaluation.

4 16) Respondent's conclusions regarding custody of Ar. C.
5 were subjective and based on bias and subjective factors rather than on objective
6 data.

7 17) Respondent charged exorbitant and excessive fees for the
8 psychological testing of Ar. C. and for related evaluations and therapy.

9 18) Respondent failed to make billing arrangements with
10 patients in advance of providing services.

11 19) Respondent undertook the assessment of Ar. C. when she
12 had a prior personal relationship with the father and engaged in dual and multiple
13 relationships with the patient and parents.

14 20) Respondent failed to maintain adequate records in
15 evaluation and treatment of patients including Ar. C. and his father.

16 21) Respondent supported and provided to the parents, the
17 family court, and others opinions regarding the change of physical custody of
18 Ar. C. while relying upon psychological testing that was clearly substandard and
19 unreliable.

20 22) Respondent allowed herself to be led by attorneys in the
21 family court custody case into making declarations for which she did not have
22 convincing independent and objective documentation.

23 23) Respondent failed to obtain a more independent and
24 objective evaluation to support recommendations for change of custody for Ar.
25 C. Instead respondent became involved in legal declarations and depositions
26 regarding custody.

27 24) Respondent continued to be supervised by Dr. Douglas
28 Schave after they were married.

1 25) Respondent engaged in inappropriate practice under
2 supervision of Dr. Douglas Schave for 13 or more years without obtaining her
3 independent license to practice psychology. The psychological assistantship is
4 intended to permit post-doctorate, supervised clinical experience leading to timely
5 licensure. Instead respondent continued to practice indefinitely as if
6 independently licensed.

7 THIRD CAUSE FOR DISCIPLINE

8 (Dishonest, Corrupt and Fraudulent Acts)

9 8. Respondent, Barbara Schave, Ph.D., is further subject to disciplinary
10 action for unprofessional conduct in that she engaged in dishonest, corrupt and fraudulent acts in
11 violation of Code sections 2960 (c) (i) (k) (n) (p) (q) and 2913 in that:

12 A. Paragraph 5 of the Accusation is herein realleged and incorporated
13 by reference as if set forth in full.

14 B. Respondent falsely portrayed herself as a licensed psychologist and
15 as practicing independently as a psychologist.

16 C. Respondent independently billed her clients under her own name.
17 Respondent did not follow the rules of supervision that require her to function as the
18 supervisor's employee and to receive payment for her services from him.

19 D. Respondent avoided referring to herself, in both written and verbal
20 references, as a psychological assistant. During this time she repeatedly referred to
21 herself to the court, attorneys, parents and others as a psychologist, in clinical psychology
22 practice and even as a licensed psychologist.

23 E. Respondent misrepresented her qualifications in evaluation, testing
24 and treatment of patients and in her custody evaluation and report.

25 F. Respondent failed to provide written notification to her patients of
26 her status as a supervised psychological assistant.

27 ///

28 ///

1 G. Respondent falsely represented her working status as a fully
2 supervised employee to the Board in renewal applications including in 1996, 1999 and
3 2000.

4 H. Respondent received referrals and treated patients without her
5 supervisor's knowledge.

6 I. Respondent functioned outside her training and experience in
7 administering psychological testing of Ar. C. without supervision by a psychologist.

8 J. Respondent failed to administer the psychological tests to Ar. C.
9 in a standardized manner and compromised test security.

10 K. Respondent's conclusions regarding custody of Ar. C. were
11 subjective and based on bias and subjective factors rather than on objective data.

12 L. Respondent charged exorbitant and excessive fees for the
13 psychological testing of Ar. C. and for related evaluations and therapy.

14 M. Respondent engaged in inappropriate practice under supervision of
15 Dr. Douglas Schave for 13 or more years without obtaining her independent license to
16 practice psychology. The psychological assistantship is intended to permit post-
17 doctorate, supervised clinical experience leading to timely licensure. Instead respondent
18 continued to practice indefinitely as if independently licensed.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Revoking, suspending or otherwise imposing discipline upon Psychological Assistant's No. PSB 12896, issued to respondent Barbara Schave, Ph.D. aka Barbara Klein;
2. Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement as provided by statute;
3. If placed on probation, ordering respondent to pay the costs of probation monitoring; and,
4. Taking such other and further action as the Board deems necessary and proper.

DATED: March 8, 2001.



THOMAS S. O'CONNOR
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California
Complainant

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Exhibit B
Statement of Issues No. X-49

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO May 23 20 02
BY m. j. [signature] ANALYST

Attorneys for Complainant

In the Matter of the Accusation Against:

Case No. X49

STATEMENT OF ISSUES

Psychological Assistant No. PSB 12896

Respondent.

Complainant Thomas S. O'Connor, who as cause for disciplinary action, alleges:

PARTIES

1. Complainant is the Executive Officer of the California State Board of Psychology ("Board") and makes and files this Statement of Issues solely in his official capacity.

License Status

2. On or about November 17, 1986, the Board of Psychology issued Psychological Assistant Registration Number PSB 12896 to Barbara Schave, Ph.D. aka Barbara Klein ("Respondent"). At all times relevant herein, said registration was, and currently is, in full force and effect. The registration expires on or about January 31, 2003, unless renewed. On or

about March 8, 2001, an Accusation was filed seeking disciplinary action on respondent's psychological assistant registration no PSB 12896. An administrative hearing is pending on the allegations.

3. On or about October 11, 1993, Barbara Schave (Klein) ("respondent") submitted an application to the Board for licensure as a psychologist. On or about January 25, 2002, the Board denied respondent's application for licensure. On or about February 21, 2002, the Board received respondent's request for a hearing.

JURISDICTION

4. This Statement of Issues is made in reference to the following statutes of the Business and Professions Code ("Code").

A. Section 480 (a) of the Code provides that a board may deny a license based on the following grounds where the applicant has:

"(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

"(3) Done any act which if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of the license. The board may deny a license pursuant to this subdivision only if the act is substantially related to the qualifications, functions or duties of the business or profession for which application is made."

B. Section 2913 of the Code states:

"A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological functions provided that all of the following apply:

"(a) The person is termed a "psychological assistant."

"(b) The person (1) has completed a master's degree in psychology or

education with the field of specialization in psychology or counseling psychology, or (2) has been admitted to candidacy for a doctoral degree in psychology or education with the field of specialization in psychology or counseling psychology, after having satisfactorily completed three or more years of postgraduate education in psychology and having passed preliminary doctoral examinations, or (3) has completed a doctoral degree which qualifies for licensure under Section 2914, in an accredited or approved university, college, or professional school located in the United States or Canada.

"(c) The person is at all times under the immediate supervision, as defined in regulations adopted by the board, of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he or she performs are consistent with his or her training and experience and be responsible for his or her compliance with this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

"(d) The licensed psychologist, board certified psychiatrist, contract clinic, psychological corporation, or medical corporation, has registered the psychological assistant with the board. The registration shall be renewed annually in accordance with regulations adopted by the board.

"No licensed psychologist may register, employ, or supervise more than three psychological assistants at any given time unless specifically authorized to do so by the board. No board certified psychiatrist may register, employ, or supervise more than one psychological assistant at any given time. No contract clinic, psychological corporation, or medical corporation may employ more than 10 assistants at any one time. No contract clinic may register, employ, or provide supervision for more than one psychological assistant for each designated full-time staff psychiatrist who is qualified and supervises the psychological assistants. No psychological assistant may provide psychological services to the public for a fee, monetary or otherwise, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation.

1 "(e) The psychological assistant shall comply with regulations that the
2 board may, from time to time, duly adopt relating to the fulfillment of requirements in
3 continuing education.

4 "(f) No person shall practice as a psychological assistant who is found by
5 the board to be in violation of Section 2960 and the rules and regulations duly adopted
6 thereunder."

7 C. Section 2914 of the Code states in pertinent part:

8 "Each applicant for licensure shall comply with all of the following requirements:

9 (a) Is not subject to denial of licensure under Division 1.5."

10 D. Section 2960 of the Code states:

11 "The board may refuse to issue any registration or license, or may issue a
12 registration or license with terms and conditions, or may suspend or revoke the
13 registration or license of any registrant or licensee if the applicant, registrant, or licensee
14 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
15 be limited to:

16 ". . . .

17 "(c) Fraudulently or neglectfully misrepresenting the type or status of
18 license or registration actually held.

19 ". . . .

20 "(i) Violating any rule of professional conduct promulgated by the board
21 and set forth in regulations duly adopted under this chapter.

22 "(j) Being grossly negligent in the practice of his or her profession.

23 "(k) Violating any of the provisions of this chapter or regulations duly
24 adopted thereunder.

25 ". . . .

26 "(n) The commission of any dishonest, corrupt or fraudulent act
27 which is substantially related to the qualifications, functions or duties of a psychologist
28 or psychological assistant.

1 "(p) Functioning outside of his or her particular field or fields of
2 competence as established by his or her education, training, and experience.

3 "(q) Willful failure to submit, on behalf of an applicant for licensure,
4 verification of supervised experience to the board.

5 "(r) Repeated acts of negligence.

6 ""

7 E. Section 2964.6 provides that an administrative decision that
8 imposes terms of probation may include, among other things, a requirement that the
9 licensee who is being placed on probation pay the costs associated with monitoring the
10 probation.

11 F. Section 125.3 of the Code provides, in part, that the Board may
12 request the administrative law judge to direct any licentiate found to have committed a
13 violation or violations of the licensing act, to pay to the Board a sum not to exceed the
14 reasonable costs of the investigation and enforcement of the case.

15 5. California Code of Regulations Title 16 provides in pertinent part as
16 follows.

17 A. Section 1387 provides in part that:

18 "

19 "(b) A qualified primary supervisor means a psychologist who is engaged
20 in rendering professional services a minimum of one-half time in the same work setting
21 at the same time as the person supervised is obtaining supervised professional
22 experience. Effective July 1, 1995, a qualified primary supervisor must have not less
23 than three (3) years of professional post-licensure experience.

24 "

25 "(d)(1) The qualified primary supervisor shall be responsible for ensuring
26 that any supervision she/he provides is in the same or similar field of psychology as
27 his/her own education and training and that she/he is able to render competently any
28 psychological services which the supervisee undertakes.

"(2) The qualified primary supervisor shall be responsible for ensuring that the applicant has training and experience to render competently any psychological services which the applicant/supervisee will undertake.

". . . .

"(l) The supervised professional experience shall include direct (individual or group) supervision by a qualified supervisor for a minimum of one (1) hour or ten percent (10%) of the actual time worked each week in the work setting of the person supervised, whichever is greater. At least one (1) hour each week shall be direct, individual face-to-face supervision with the primary supervisor.

". . . .

"(q) Any experience obtained while under the supervision of a practitioner with whom the applicant has an interpersonal or familial relationship shall not be counted toward the required hours of supervised professional experience.

"(r) No credit shall be given towards professional experience obtained under the supervision of a person who has received monetary payment or other consideration directly from the applicant for the purpose of rendering such supervision.

"(s) A supervisor may not supervise a supervisee who is, or has been, a psychotherapy client of the supervisor.

"(t) The supervisee shall maintain a written weekly log of all hours of supervised professional experience gained toward licensure. The log shall contain at least the following information:

"(1) The specific work setting in which the supervision took place.

"(2) The specific dates for which the log is being completed.

"(3) An indication of whether the supervision was direct, individual, face-to-face (must be with the primary supervisor), group, or other (specifically listing each activity).

"(4) The primary supervisor's legibly printed name, signature, license number, and the date signed.

1 "(5) The delegated supervisor's legibly printed name, signature, license
2 number, and the date signed.

3 "(6) The supervisee's legibly printed name, signature, and date signed.

4 "(7) The tasks, professional services, or other work performed during that
5 time period."

6 B. Section 1391.4 provides that:

7 "As used in Section 2913 of the code, the phrase "limited psychological
8 functions" means those functions which are consistent with the education and training of
9 the psychological assistant and the education, training and experience of the supervisor."

10 C. Section 1391.5 provides that:

11 "(a) A psychological assistant shall be under the direction and supervision
12 of a licensed psychologist or board-certified psychiatrist who is rendering professional
13 services in the same work setting at the same time as the psychological assistant is
14 rendering professional services at least fifty percent (50%) of the time professional
15 services are being rendered by the psychological assistant. A licensed psychologist who
16 is supervising a psychological assistant on January 1, 1989, may renew the registration to
17 continue that supervision. On or after January 1, 1989, a licensed psychologist may not
18 apply to supervise any psychological assistant he or she has not previously supervised
19 unless the licensed psychologist has three (3) years post-licensure professional practice.

20 "(b) The supervisor shall provide a minimum of one (1) hour per week of
21 individual supervision to the psychological assistant, unless more such supervision is
22 required under Section 1391.7 or by the nature of the limited psychological functions
23 performed by the psychological assistant."

24 D. Section 1391.6 provides that:

25 "(a) Every supervisor of a psychological assistant shall be responsible for
26 the limited psychological functions performed by the psychological assistant and
27 ensuring that the extent, kind and quality of the limited psychological functions
28 performed by the assistant are consistent with his or her training and experience, and that

1 the assistant complies with the provisions of the code and the board's regulations.

2 "(b) The supervisor shall inform each client or patient in writing prior to
3 the rendering of services by the psychological assistant that the assistant is unlicensed
4 and is under the direction and supervision of the supervisor as an employee."

5 E. Section 1391.7 provides that:

6 "In order to qualify as "supervised professional experience" pursuant to
7 Section 2914(d) of the code, experience gained as a psychological assistant must comply
8 with Section 1387".

9 F. Section 1391.8 provides that:

10 "(a) No supervisor or employer of a psychological assistant may charge a
11 fee or otherwise require monetary payment in consideration for the employment or
12 supervision of a psychological assistant.

13 "(b) The psychological assistant shall have no proprietary interest in the
14 business of the supervisor or the employer.

15 "(c) The psychological assistant shall not rent, lease, sublease, or
16 lease-purchase office space from the supervisor or the employer."

17 G. Section 1391.10 provides that:

18 "-On or before January 31, of each year, every supervisor of a
19 psychological assistant shall submit to the board on a form provided by the board a report
20 for the preceding calendar year showing:

21 "(a) The nature of the limited psychological functions performed by the
22 psychological assistant being supervised;

23 "(b) Evidence of employment which shall include at least one of the
24 following: the employment contract with the psychological assistant, a letter of
25 agreement, or other forms evidencing the employer-employee relationship which may
26 include evidence of workers' compensation payments, social security contributions, or
27 payroll records.

28 "(c) The locations at which the psychological assistant provided the

1 limited psychological functions and the type, extent and amount of supervision.

2 "(d) A certification that the limited psychological functions performed by
3 the psychological assistant are within the scope of the psychological assistant's education
4 and training."

5 H. Section 1396 provides that:

6 "A psychologist shall not function outside his or her particular field or
7 fields of competence as established by his or her education, training and experience."

8 I. Section 1396.2 provides that:

9 "A psychologist shall not misrepresent nor permit the misrepresentation of
10 his or her professional qualifications, affiliations, or purposes, or those of the institutions,
11 organizations, products and/or services with which he or she is associated."

12 J. Section 1396.3 provides that:

13 "A psychologist shall not reproduce or describe in public or in
14 publications subject to general public distribution any psychological tests or other
15 assessment devices, the value of which depends in whole or in part on the naivete of the
16 subject, in ways that might invalidate the techniques; and shall limit access to such tests
17 or devices to persons with professional interests who will safeguard their use."

18 K. Section 1396.4 provides in part that:

19 "

20 "(b) A psychological assistant shall at all times and under all
21 circumstances identify himself or herself to patients or clients as a psychological assistant
22 to his or her employer or responsible supervisor when engaged in any psychological
23 activity in connection with that employment."

24 FIRST CAUSE FOR DENIAL

25 (Gross Negligence)

26 6 Respondent, Barbara Schave's application for licensure as a psychologist
27 is subject to denial on account of the following.

28 A. Respondent has practiced in California as a psychological assistant

1 since about November 17, 1986 under the supervision of psychiatrists or psychologists.

2 B. Douglas Jay Schave, M.D. has been in private practice as a
3 psychiatrist since 1975 to the present with his current office at 9102 West 24th Street,
4 Los Angeles, California since 1996. During that time, Douglas Jay Schave, M.D. has
5 worked out of three houses as his office locations.

6 C. Since the mid 1980's Douglas Jay Schave, M.D. acted as a
7 psychological assistant supervisor with Barbara Klein (Schave) as a psychological
8 assistant under his supervision from the mid 1980's to the present. They were married
9 during the start of his supervision but about 1994 they were divorced. During the
10 supervision, respondent, who had a Ph.D. in psychology, repeatedly failed the necessary
11 exams to qualify as a licensed psychologist. During the supervision all insurance billing
12 by respondent was required to be through Douglas Schave's office since she was to be
13 employed by the supervisor.

14 D. On or about November 1996, Douglas Jay Schave, M.D. began
15 treatment with patient Ar.C., a minor who, along with his brother, A.C. was the subject of
16 custody issues among the divorcing parents. The treatment continued until early 1998
17 when a family court judge had Douglas Jay Schave, M.D. and respondent removed from
18 the case. The parents had initially agreed Douglas Jay Schave, M.D. and respondent
19 would not become involved in the custody dispute.

20 E. On or about February 1997, Dr. Douglas Schave recommended to
21 his parents that patient Ar.C. undergo psychological testing. He recommended the
22 testing be done by respondent working under the name of Barbara Klein. Shortly after
23 the testing was completed, the father of Ar.C. began to see respondent, Barbara Klein, as
24 a patient.

25 F. Both respondent and Dr. Douglas Schave prepared documents for
26 the court relating to the children's custody. Respondent, Barbara Klein, falsely referred
27 to herself as a licensed clinical psychologist in a declaration presented to family court
28 and in other documents. Dr. Douglas Schave and respondent referred to respondent,

Barbara Klein, as a psychologist and did not reveal to parties, the court, or others that she was in fact being supervised by Dr. Douglas Schave as a psychological assistant. Dr. Douglas Schave and respondent recommended, supported and provided a legal declaration that physical custody of Ar.C. should be given to his father.

7. Respondent Barbara Schave's application for licensure as a psychologist is subject to denial for unprofessional conduct in that she engaged in gross negligence in her practice in violation of Code sections 2960 (c) (i) (j) (k) (n) (p) and 2913 in that:

A. Paragraph 6 of the Statement of Issues is herein realleged and incorporated by reference as if set forth in full.

B. Respondent's practice under supervision and management of Dr. Douglas Schave, M.D., was an extreme departure from standards of practice in that:

1) Respondent falsely portrayed herself as a licensed psychologist and as practicing independently as a psychologist.

2) Respondent failed to practice under adequate supervision by scheduling at least a weekly meeting with Dr. Douglas Schave to discuss or review patient issues.

3) Respondent's supervisor was not on site at respondent's separate office at least 50% of the time.

4) Respondent independently billed her clients under her own name. Respondent did not follow the rules of supervision that require her to function as his employee and to receive payment for her services from him.

5) Respondent avoided referring to herself, in both written and verbal references, as a psychological assistant. During this time she repeatedly referred to herself to the court, attorneys, parents and others as a psychologist, in clinical psychology practice and even as a licensed psychologist.

6) Respondent misrepresented her qualifications in evaluation, testing and treatment of patients and in her custody evaluation and report.

7) Respondent failed to provide written notification to her

1 patients of her status as a supervised psychological assistant.

2 8) Respondent falsely represented her working status as a
3 fully supervised employee to the Board in renewal applications including in 1996,
4 1999 and 2000.

5 9) Respondent received referrals and treated patients without
6 her supervisor's knowledge.

7 10) Respondent functioned outside her training and experience
8 in administering psychological testing of Ar.C. without supervision by a
9 psychologist.

10 11) Respondent functioned outside her training and experience
11 in preparing a custody evaluation for use in court.

12 12) Respondent failed to administer the psychological tests to
13 Ar.C. in a standardized manner and compromised test security.

14 13) Respondent failed to obtain a written consent from the
15 parties to perform a custody evaluation.

16 14) Respondent failed to obtain releases from patients and
17 parents to provide information regarding custody to the court and to others and
18 violated the patient's confidentiality.

19 15) Respondent provided an opinion regarding the
20 psychological functioning of the parents of Ar.C. without a proper personal
21 evaluation.

22 16) Respondent's conclusions regarding custody of Ar.C. were
23 subjective and based on bias and subjective factors rather than on objective data.

24 17) Respondent charged exorbitant and excessive fees for the
25 psychological testing of Ar.C. and for related evaluations and therapy.

26 18) Respondent failed to make billing arrangements with
27 patients in advance of providing services.

28 19) Respondent undertook the assessment of Ar.C. when she

1 had a prior personal relationship with the father and engaged in dual and multiple
2 relationships with the patient and parents.

3 20) Respondent failed to maintain adequate records in
4 evaluation and treatment of patients including Ar.C. and his father.

5 21) Respondent supported and provided to the parents, the
6 family court, and others opinions regarding the change of physical custody of
7 Ar.C. while relying upon psychological testing that was clearly substandard and
8 unreliable.

9 22) Respondent allowed herself to be led by attorneys in the
10 family court custody case into making declarations for which she did not have
11 convincing independent and objective documentation.

12 23) Respondent failed to obtain a more independent and
13 objective evaluation to support recommendations for change of custody for Ar.C.
14 Instead respondent became involved in legal declarations and depositions
15 regarding custody.

16 24) Respondent continued to be supervised by Dr. Douglas
17 Schave after they were married.

18 25) Respondent engaged in inappropriate practice under
19 supervision of Dr. Douglas Schave for 13 or more years without obtaining her
20 independent license to practice psychology. The psychological assistantship is
21 intended to permit post-doctorate, supervised clinical experience leading to timely
22 licensure. Instead respondent continued to practice indefinitely as if
23 independently licensed.

24 SECOND CAUSE FOR DENIAL

25 (Repeated Negligent Acts)

26 8. Respondent, Barbara Schave's application for licensure as a psychologist,
27 is further subject to denial for unprofessional conduct in that she engaged in repeated negligent
28 acts in her practice in violation of Code sections 2960 (c) (i) (k) (n) (p) (r) and 2913 in that:

1 A. Paragraph 6 of the Statement of Issues is herein realleged and
2 incorporated by reference as if set forth fully.

3 B. Respondent's practice under supervision and management of
4 Douglas Jay Schave, M.D., was negligent in that:

5 1) Respondent falsely portrayed herself as a licensed
6 psychologist and as practicing independently as a psychologist.

7 2) Respondent failed to practice under adequate supervision
8 by scheduling at least a weekly meeting with Dr. Douglas Schave to discuss or
9 review patient issues.

10 3) Respondent's supervisor was not on site at respondent's
11 separate office at least 50% of the time.

12 4) Respondent independently billed her clients under her own
13 name. Respondent did not follow the rules of supervision that require her to
14 function as his employee and to receive payment for her services from him.

15 5) Respondent avoided referring to herself, in both written
16 and verbal references, as a psychological assistant. During this time she
17 repeatedly referred to herself to the court, attorneys, parents and others as a
18 psychologist, in clinical psychology practice and even as a licensed psychologist.

19 6) Respondent misrepresented her qualifications in evaluation,
20 testing and treatment of patients and in her custody evaluation and report.

21 7) Respondent failed to provide written notification to her
22 patients of her status as a supervised psychological assistant.

23 8) Respondent falsely represented her working status as a
24 fully supervised employee to the Board in renewal applications including in 1996,
25 1999 and 2000.

26 9) Respondent received referrals and treated patients without
27 her supervisor's knowledge.

28 10) Respondent functioned outside her training and experience

1 in administering psychological testing of Ar.C. without supervision by a
2 psychologist.

3 11) Respondent functioned outside her training and experience
4 in preparing a custody evaluation for use in court.

5 12) Respondent failed to administer the psychological tests to
6 Ar.C. in a standardized manner and compromised test security.

7 13) Respondent failed to obtain a written consent from the
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10 parents to provide information regarding custody to the court and to others and
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12 15) Respondent provided an opinion regarding the
13 psychological functioning of the parents of Ar.C. without a proper personal
14 evaluation.

15 16) Respondent's conclusions regarding custody of Ar.C. were
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26 21) Respondent supported and provided to the parents, the
27 family court, and others opinions regarding the change of physical custody of
28 Ar.C. while relying upon psychological testing that was clearly substandard and

unreliable.

22) Respondent allowed herself to be led by attorneys in the family court custody case into making declarations for which she did not have convincing independent and objective documentation.

23) Respondent failed to obtain a more independent and objective evaluation to support recommendations for change of custody for Ar.C. Instead respondent became involved in legal declarations and depositions regarding custody.

24) Respondent continued to be supervised by Dr. Douglas Schave after they were married.

25) Respondent engaged in inappropriate practice under supervision of Dr. Douglas Schave for 13 or more years without obtaining her independent license to practice psychology. The psychological assistantship is intended to permit post-doctorate, supervised clinical experience leading to timely licensure. Instead respondent continued to practice indefinitely as if independently licensed.

THIRD CAUSE FOR DENIAL

(Dishonest, Corrupt and Fraudulent Acts)

8. Respondent, Barbara Schave's application for licensure as a psychologist is further subject to denial for unprofessional conduct in that she engaged in dishonest, corrupt and fraudulent acts in violation of Code sections 2960 (c) (i) (k) (n) (p) (q) and 2913 in that:

A. Paragraph 6 of the Statement of Issues is herein realleged and incorporated by reference as if set forth in full.

B. Respondent falsely portrayed herself as a licensed psychologist and as practicing independently as a psychologist.

C. Respondent independently billed her clients under her own name. Respondent did not follow the rules of supervision that require her to function as the supervisor's employee and to receive payment for her services from him.

1 D. Respondent avoided referring to herself, in both written and verbal
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3 herself to the court, attorneys, parents and others as a psychologist, in clinical psychology
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11 2000.

12 H. Respondent received referrals and treated patients without her
13 supervisor's knowledge.

14 I. Respondent functioned outside her training and experience in
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16 J. Respondent failed to administer the psychological tests to Ar.C. in
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23 Dr. Douglas Schave for 13 or more years without obtaining her independent license to
24 practice psychology. The psychological assistantship is intended to permit post-
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26 continued to practice indefinitely as if independently licensed.

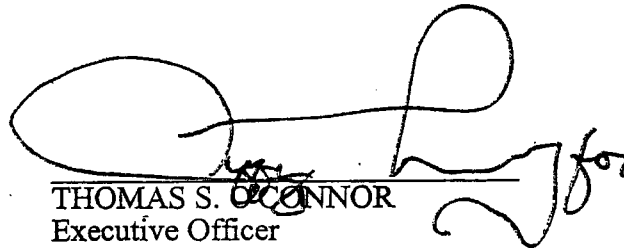
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Denying the application of respondent Barbara Schave, Ph.D. aka Barbara Klein;
2. Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement as provided by statute;
3. If placed on probation, ordering respondent to pay the costs of probation monitoring; and,
4. Taking such other and further action as the Board deems necessary and proper.

DATED: May 23, 2002.



THOMAS S. O'CONNOR
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California
Complainant

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DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation and Statement of Issues Filed
Against:

Barbara Schave, Ph.D.

No. : W203; X49

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Barbara Schave, Ph.D.
360 N. Bedford Drive, #219
Beverly Hills, CA 90210


7001 1940 0001 2974 7996

O. Brandt Caudill, Jr., Esq.
Callahan, McCune and Willis
111 Fashion Lane
Tustin, CA 92780

Michael P. Sipe
Deputy Attorney General
110 West A Street, Ste. 1100
San Diego, CA 92101

Each said envelope was then on, January 17, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, January 17, 2003, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst